

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DISMISSAL OF COUNT 5 OF SUPERSEDING INDICTMENT

The United States Attorney for the District of Massachusetts, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, hereby dismisses Count 5 of the Superseding Indictment in the above-captioned case.

This dismissal is necessitated by the absence of trial evidence regarding Court 5.

Respectfully submitted,

MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

dated: June 27, 2006

by: /s/ Paul G. Levenson
PAUL G. LEVENSON
Assistant U.S. Attorney
John Joseph Moakley United States Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3147

Leave to file granted:

PATTI B. SARIS
United States District Judge
dated: _____

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non registered participants on this date.

dated: June 27, 2006

/s/ Paul G. Levenson
PAUL G. LEVENSON